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District of Oregon
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

UNITED STATES OF AMERICA,

1:19-cv-01561-BR

Plaintiff,

v.

**COMPLAINT, *in rem*,
FOR FORFEITURE**

**\$200,980.00 UNITED STATES
CURRENCY, *in rem*,**

Defendant.

Plaintiff, United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Amy E. Potter, Assistant United States Attorney, for its complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

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II.

Defendant, *in rem*, \$200,980.00 U.S. Currency, was seized in the District of Oregon, and is now and during the pendency of this action will be within the jurisdiction of this Court.

III.

Defendant, *in rem*, \$200,980.00 U.S. Currency represents proceeds traceable to an exchange for controlled substances or was used or intended to be used to facilitate such a transaction in violation of 21 U.S.C. §§ 841 and 841(a)(1), and is forfeitable to the United States pursuant to the provisions of 21 U.S.C. § 881(a)(6), as more particularly set forth in the declaration of Christopher Karabinas, Special Agent, Homeland Security Investigations, marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, plaintiff, United States of America, prays that due process issue to enforce the forfeiture of defendant, *in rem*, \$200,980.00 U.S. Currency; that due notice be given to all interested persons to appear and show cause why forfeiture of this defendant, *in rem*, should not be decreed; that due proceedings be had thereon; that this defendant be forfeited to the United States; that the plaintiff United States of America be awarded its costs and disbursements incurred in this action.

DATED: September 30, 2019.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Amy E. Potter
AMY E. POTTER
Assistant United States Attorney

VERIFICATION

I, Christopher Karabinas, declare under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Special Agent with Homeland Security Investigations and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

s/Christopher Karabinas
CHRISTOPHER KARABINAS
Special Agent
Homeland Security Investigations

DECLARATION of CHRISTOPHER KARABINAS

I, Christopher Karabinas, do hereby declare:

BACKGROUND/EXPERIENCE

1. I am a Special Agent (SA) of the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) and have been so employed since December 2010. I am currently assigned to the Resident Agent in Charge office, Medford, Oregon. I completed six months training at the HSI Academy located at The Federal Law Enforcement Training Center, Glynco, GA, where I learned the skills necessary to conduct federal criminal investigations, including investigating crime scenes, interviewing witnesses and suspects, and writing reports and affidavits. Prior to this, I was employed as a U.S. Customs and Border Protection Officer, Immigration Officer, and a U.S. Federal Air Marshal and have been a federal law enforcement officer since August of 2000. During my tenure as a federal law enforcement officer, I have investigated and/or participated in investigations of money laundering, narcotics trafficking, fraud, smuggling, and theft. I have also acquired knowledge and information about the illegal drug trade and the various means and methods by which it is furthered from formal and informal training, other law enforcement officers and investigators, informants, individuals I have arrested and/or interviewed, and my participation in other investigations. I am a participating member of the Medford Area Drug and Gang Enforcement Taskforce (MADGE) located in Medford Police Department's drugs and gang division.

2. I have participated in searches of premises and assisted in evidence gathering by means of search warrant. I have received training in investigating money laundering and have had the opportunity to study and investigate numerous examples of money laundering schemes specifically pertaining to the laundering of drug proceeds. I have received approximately 80

hours of specialized training from the Federal Law Enforcement Training Center regarding asset forfeiture and financial investigations.

3. I have participated in hundreds of investigations at the federal, state, and local levels. These investigations have pertained to narcotics trafficking and laundering drug proceeds as well as a variety of criminal activities including bulk cash smuggling, alien smuggling, fraud, illegal exportation of munitions, interstate transportation of stolen property, and wire fraud.

PURPOSE OF THIS DECLARATION

4. This declaration is submitted in support of a civil complaint *in rem* for forfeiture of \$200,980 in U.S. currency seized from a Federal Express (FedEx) package shipped on May 7, 2019, from Lindsey Ann Lewis, 110 Ivy Hollow Court, Morrisville, North Carolina, to Andrew Stevens, 201 SW K Street, Grants Pass, Oregon. As discussed below, I believe there is probable cause to believe that the \$200,980 is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), as it constitutes or was derived from proceeds traceable to violations of 21 U.S.C. § 841(a)(1).

5. I have personally participated in this investigation and the following information is derived from my personal observation, interviews, and review of physical evidence as well as review of reports generated by other law enforcement officials and discussions with other investigators who have personal knowledge of the matters covered in those reports, and from conversations with persons who have personal knowledge of the events described herein. I have not included all of the details of the investigation, only those facts that I believe necessary to demonstrate a probable cause to proceed with civil forfeiture of the \$200,980.

6. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know that certain indicators often exist when drug

traffickers use FedEx to ship controlled substances or proceeds of the sale of controlled substance from one location to another.

7. I know from my training and experience that drug traffickers who ship controlled substances, cash for the purchase of controlled substances and cash proceeds from the illegal sale of controlled substances are often aware that trained canines may inspect parcels. Accordingly, drug traffickers often attempt to wrap their parcels, and the contents of their parcels, in a manner they believe will disguise the odor and contents of the items in the parcels. In order to conceal the distinctive smell of controlled substances from certified controlled substance detection canines, these packages tend to be wrapped excessively in bubble-pack and plastic wrapping, and are sometimes sealed with the use of tape around all the seams. Sometimes perfumes, coffee, tobacco or other smelling substances are used to mask the odor of the controlled substances or currency packaged for shipment.

8. I know from my training and experience that Oregon legalized the production and sale of marijuana and that marijuana remains illegal in North Carolina. Marijuana grown in Oregon sells for far less in Oregon than it sells for in states where it remains illegal. For this reason, I know that marijuana grown in Oregon is often shipped to other states, and that cash payments for the marijuana are shipped back to Oregon.

SUMMARY OF THE INVESTIGATION

9. On May 14, 2019, FedEx Corporate Security contacted Medford Police Department K-9 Officer Rob Havice and advised that they had an undeliverable package addressed to 201 SW K Street, Grants Pass, Oregon. FedEx determined that there was no such address. The package was returned to the FedEx facility located in Central Point, Oregon. In compliance with corporate policy, FedEx employees tried calling the phone numbers on the package and

determined that they were not good numbers. It is standard procedure to open the package in an attempt to locate an invoice or some other documentation to identify the shipper or recipient. Upon opening the package, FedEx found a large quantity of U.S. currency contained in several heat-sealed bags. FedEx then contacted Officer Havice.

10. Following the above call, Officer Havice responded to the FedEx office in Central Point. FedEx employees showed Officer Havice a plain brown cardboard box that showed a shipping date of May 7, 2019. The shipper was listed as Lindsey Ann Lewis, 110 Ivy Hollow Ct., Morrisville, North Carolina, 27560. The recipient was listed as Andrew Stevens, 201 SW K Street, Grants Pass, Oregon 97526. A FedEx employee told Officer Havice, “there is a lot of money in there and a second box inside with peanuts all around it.” The FedEx employee told Officer Havice that he had a hard time initially opening the box because the shipper had glued the flaps of the box with a glue gun before they taped it. Officer Havice looked in the box and observed additional packing peanuts and plastic heat-sealed bags inside wrapped in carbon paper. Officer Havice could see a \$20 bill visible in the corner of one bag. Officer Havice then took possession of the box and transported it to the Medford Police Department.

11. Upon arrival at the Medford Police Department, Officer Havice brought in his K-9 Narc, who I know to be certified in the detection of narcotics odors, including marijuana. Officer Havice sent Narc to an open area, and he did not alert to anything. Officer Havice then placed the FedEx box inside the search area and after a short period of time Narc gave a response in the area where the box was placed, but the wind was blowing, and he did not put his nose directly on the box. Officer Havice documented in his report, “The wind was blowing from the south and pushing the odor from the box up against a row of bicycles. I directed K-9 Narc to detail this area and once K-9 Narc got upwind of the parcel, he worked the odor to source and he gave a final

response to this parcel to indicate one of the four odors he is trained to detect.” Narc is trained to detect marijuana, heroin, methamphetamine and cocaine.

12. The U.S. currency contained in the sealed bags included \$80 in \$10 bills, \$121,200 in \$20 bills, \$11,700 in \$50 bills, and \$60,000 in \$100 bills for a total of \$200,980.

13. An investigation of 201 SW K Street, Grants Pass, Oregon, revealed no such address. The first numbered address in the 200 block of SW K Street is 207 SW K Street, which is described as a large commercial building.

14. The seized FedEx package was shipped by Lindsey Ann Lewis. I have reviewed a North Carolina Driver’s License (DL) in the name of Lindsey Ann Lewis. The DL was issued on February 2, 2017, and her address is listed as 110 Ivy Hollow Ct., Morrisville, North Carolina, 27560, which was the address listed on the package.

15. A search of Wake County, North Carolina property tax records revealed that Lesli R. Kennedy purchased 110 Ivy Hollow Ct., Morrisville, North Carolina, in approximately 2003, and the title remains in her name. I have reviewed a North Carolina DL in the name of Lesli Reckert Kennedy. The DL was issued on February 2, 2018, and her address is listed as 110 Ivy Hollow Ct., Morrisville, North Carolina, 27560. I have determined that Lindsey Ann Lewis is Lesli Reckert Kennedy’s niece.

16. I also reviewed an Oregon DL in the name of Lesli Reckert Kennedy. The photograph and date of birth are the same in the North Carolina and Oregon driver’s licenses. The Oregon DL was issued on April 2, 2019, and her address was listed as 2135 Old Military Rd., Central Point, Oregon. Jackson county property records revealed that on November 5, 2018, Lesli Reckert Kennedy purchased a residence located at 2135 Old Military Rd., Central Point, Oregon

that sits on approximately 1.16 acres. The residence is located approximately 26 miles from 207 SW K Street, Grants Pass, Oregon.

17. I have reviewed FedEx shipping records for packages shipped from 110 Ivy Hollow Ct., Morrisville, North Carolina to Oregon for the time period from June 2017 through May 7, 2019. The records identified approximately 25 shipments during that time. The shipper's name was listed as Lesli Kennedy in nine shipments, Lindsey Lewis or Lindsey Ann Lewis in thirteen shipments, and Felice Michael Giorgetti in three shipments. The recipient's name was listed as Felice Giorgetti, Felice Michael Giorgetti or Michael Giorgetti in twelve shipments, James Nelson in one shipment and Andrew Stevens in twelve shipments. The recipient address for the twelve shipments to Giorgetti and one shipment to Nelson was 4250 Avenue E, White City, Oregon. The recipient address for eleven of the shipments to Andrew Stevens was 207 K Street, Grants Pass, Oregon, and one shipment to Andrew Stevens was listed as 201 SW K Street, Grants Pass, Oregon. The one shipment to 201 K Street was the package that was undeliverable and seized.

18. A review of Jackson County property records relating to 4250 Avenue E, White City, Oregon, revealed that the property address is listed in county records as 4250 Avenue E, Eagle Point, Oregon. The property consists of a doublewide trailer built in 1972. The owner is listed as Mayan Holdings LLC, mailing address 110 Ivy Hollow Ct., Morrisville, NC 27560. A search of Oregon Secretary of State Records revealed that Mayan Holdings LLC was established on June 20, 2017. The 2018 and 2019 Amended Annual Report filed with the State of Oregon listed Lesli Kennedy as a member. The first FedEx shipment from Lesli Kennedy, 110 Ivy Hollow Ct., Morrisville, North Carolina to Felice Giorgetti, 4250 Avenue E, White City, Oregon, was on June 29, 2017, nine days after Mayan Holdings LLC was established.

19. The last FedEx shipment from Lesli Kennedy to Michael Giorgetti at the 4250 Avenue E, White City, Oregon address was on January 3, 2018. On January 10, 2018, a Nebraska State Trooper stopped a rental truck driven by Felice Michael Giorgetti. A Nebraska State Patrol dog indicated the odor of drugs coming from the truck. A search of the vehicle revealed seventeen boxes of marijuana weighing a total of 526 pounds. Giorgetti pleaded guilty to possession with intent to distribute marijuana and was sentenced to 37 months in federal prison. A search of law enforcement and commercial databases identified only one individual in the United States named Felice Michael Giorgetti.

20. Following Giorgetti's arrest there were no further shipments from Kennedy or Lewis to Giorgetti. The first FedEx shipment from 110 Ivy Hollow Ct, Morrisville, North Carolina to Oregon after his arrest was on October 1, 2018. The package was shipped by Lindsey Lewis to Andrew Stevens, 207 K Street, Grants Pass, Oregon. Between October 1, 2018 and April 22, 2019, there were eleven additional shipments from Lindsey Lewis to Andrew Stevens, 207 K Street, Grants Pass, Oregon.

21. On May 7, Lindsey Lewis shipped a package to 201 K Street instead of 207 K Street that was seized and found to contain \$200,980 in cash described above.

22. Lesli R. Kennedy submitted an administrative claim for the money. On the form, she claimed to be the owner of the money, but provided no documentation or other information. Lesli listed her address as the Old Military Road address in Central Point, Oregon. Based on the FedEx label though, the claim form was mailed by Lindsey Lewis who listed her address on Ivy Hollow Ct. in North Carolina.

23. Based on the above, and my training and investigative experience, I have probable cause to believe that the \$200,980 in U.S. Currency is subject to forfeiture pursuant to 21 U.S.C.

§ 881(a)(6), as it constitutes or was derived from proceeds traceable to a specified unlawful activity, possession and distribution of controlled substances, a violation of 21 U.S.C.

§ 841(a)(1).

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Executed this 30th day of September 2019.

s/Christopher Karabinas

Christopher Karabinas

Special Agent

Homeland Security Investigations

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Amy E. Potter - United States Attorney's Office
405 E. 8th Street, Suite 2400, Eugene OR 97401-2708

DEFENDANTS

\$200,980.00, in rem

County of Residence of First Listed Defendant **Jackson**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 U.S.C. § 881(a)(6)

Brief description of cause:

forfeiture of \$200,980.00 as proceeds/facilitation traceable to exchange for controlled substances

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/30/2019

s/ Amy E. Potter

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____